recovery. *Joost* v. *Craig, supra; Homan* v. *Wayer, supra.* The notary is not bound to certify as to the title. *Overacre* v. *Blake,* 82 Cal. 77, 80. Nor guarantee the correctness of his certificate. DEVLIN, DEEDS, Sec. 527e.

AUTOMOBILES—CROSSING ACCIDENT—UNREGISTERED OWNER—VIOLATION OF STATUTE.—In an action by the owner of an automobile, not registered as required by statute, for damages to said vehicle as a result of defendant's alleged negligence in not taking proper precautions to avoid the injury, which consisted in a collision between the machine and defendant's train, it was *held* that the violation of the statute as to such registration does not, in itself, preclude a recovery. *Gilman* v. *Central Vermont Ry. Co.* (Vt., 1919), 107 Atl. 122.

In construing a similar statute of Massachusetts, from which the Vermont statute was taken bodily, the Massachusetts court has held in a series of cases, beginning with *Dudley* v. *Northampton St. Ry. Co.,* 202 Mass. 443, that the Legislature intended to outlaw unregistered automobiles and to give them, as to persons lawfully using the highways, no other right than that of being exempt from wanton or willful injury. It is worthy of notice, moreover, that in the same jurisdiction the court refused to extend that strict rule to cases of injuries by or to registered machines when operated by a person not licensed according to statute. *Bourne* v. *Whitman,* 209 Mass. 155. See also *Lindsay* v. *Cecchi,* 24 Del. 185. Connecticut refused to follow the doctrine of the *Dudley case, supra,* in *Hemming* v. *New Haven,* 82 Conn. 661, because the Connecticut statute merely imposed a penalty for failure to register, whereas the statute of Massachusetts expressly forbade the use of the state's highways by such unregistered cars. Stats. Mass. 1903, c. 473, Sec. 3. This distinction is a mere play on words, and shows that the courts will seize upon the least straw as an excuse for not following the Massachusetts rule. Well might the Connecticut court have held flatly against that rule, as did the Vermont court in the instant case, which would appear to be sound, considering the general proposition that, in order to put a person doing an unlawful act beyond the pale of the law for the purpose of a recovery by or against him, the unlawful act must have a causal connection with the injury suffered. 2 R. C. L. 1208. In accord with the principal case are *Atlantic Coast Line R. Co.* v. *Weir,* 63 Fla. 69, and *Hyde* v. *McCreery,* 145 N. Y. App. Div. 729.

BUILDING RESTRICTION COVENANTS—NUISANCE—PUBLIC GARAGE.—In an action by property owners in exclusively residence district to restrain owner of a ten car storage garage from enlarging it to a twenty-four car storage garage, it appearing that there was a building restriction common to the neighborhood that "There shall not be erected any establishment for any offensive business," it was *held,* that since the garage will occasion noises, smoke and odors, all of which will lessen the peaceable enjoyment and value of complainant's property and increase the rates of insurance and other bur-

dens, an injunction in restraint of the addition should be granted. *Hohl* v. *Modell* (Penn., 1919), 107 Atl. 885.

Such restrictions will be construed strictly, but enforced so long as they are of value to the dominant lot. *Hibbard* v. *Edwards,* 235 Pa. 454. The construction and operation of such restrictive covenants necessarily depends upon the words used. In *Hammond* v. *Constant,* 168 N. Y. Supp. 384, a restriction in a deed against "erection of any building offensive to good neighborhood or in anywise a nuisance" was held not to include a twenty-nine car storage garage; the reason being that the covenant did not show an intent to restrict the use to strictly residence purposes. But in *Evans* v. *Foss,* 194 Mass. 513, a hundred and twenty-five car storage and repair garage was held to violate a restriction against "any business which shall be offensive to a neighborhood for dwelling houses." In *Riverbank Improvement Co.* v. *Bancroft,* 209 Mass. 217, where the restriction was "no buildings other than dwelling houses with the usual outbuildings and no stables" it was held a single car garage was not a stable, but the restriction being made in 1899, a garage was not contemplated as a "usual outbuilding." In *Hibberd* v. *Edwards,* 235 Pa. 454, cited in the principal case, the court held a garage was of necessity both noisy and malodorous and in violation of the restriction of use "For any offensive purpose or occupation." An "offensive business" in an exclusively residential district is probably a more inclusive clause than a business actionable or enjoinable as a "nuisance" in a district of the same character. *O'Hara* v. *Nelson,* 71 N. J. Eq. 161, held that noise and odor incident to a twenty-five car storage and repair garage operated in a residence, but not exclusively residence, district was insufficient to obtain an injunction, but storage of gasoline or cars containing gasoline in a frame building was enjoined, as a nuisance *per se. Pendergast* v. *Walls,* 257 Pa. 547, is the only case reported in which a garage was held a nuisance *per se. Sherman* v. *Levingston,* 128 N. Y. Supp. 581, held that a garage might be conducted so as to eliminate or reduce to inconsequence its objectionable features. However the existence of an exclusively residence neighborhood, was disproved. In *Diocese of Trenton* v. *Toman,* 74 N. J. Eq. 702, a garage adjoining a day nursery was held not a nuisance *per se.* And an "automobile station" in a neighborhood of summer residence was likewise adjudged in *Stein* v. *Lyon,* 87 N. Y. Supp. 125. See *Goldstein* v. *Hirsh, et al.,* 178 N. Y. Supp. 325 (1919).

CONSTITUTIONAL LAW—WORKMEN'S COMPENSATION ACT—DISFIGUREMENT. —There was an accident resulting in a serious facial disfigurement, but it was established that the actual earning capacity was not diminished. Under a provision of the New York Workmen's Compensation Act, as amended in 1916, an award was in each case made for the disfigurement. *Held,* the "disfigurement" clause in the New York act does not conflict with the U. S. Constitution. The "due process of law" clause of the Constitution of the United States does not require the States to base compulsory compensation solely upon loss of earning power. *N. Y. Central R. R. Co.* v. *Bianc* (1919), 40 Sup. Ct. Rep. 44.